

Federal Communications Commission
 Docket No. 93-155 Exhibit No. NINE
 Presented by MASS MEDIA BUREAU

Disposition { Identified ✓
 Received (RESERVED)
 Rejected _____

Reporter M. K. FLEISHMAN
 Date 10/26/93



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MASS MEDIA BUREAU Ex 9

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July 30, 1993

Y. Paulette Laden, Esq.
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Federal Communications Commission
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Dear Paulette:

I am sending to you with this letter the documents being produced by Richard P. Bott, II in response to the Bureau's Request for Production of Documents. Norman Goldstein and I reached agreement as to production under categories 2-5, which we reported to Judge Steinberg, and as to the other categories Judge Steinberg provided informal rulings in a telephone conference in which Norm and I participated. In essence, production is to be made under all categories. Within categories 2-5, representative documents are to be provided, and as to categories 2 and 4 Bott is to offer a stipulation to supplement the representative documents produced. As to categories 15 and 16, believed by Judge Steinberg to be vague as stated, the production response is to be within the context of the language used by Bott in his November 9, 1992 declaration.

The stipulation offered by Bott as to categories 2 and 4 is as follows:

Richard P. Bott, II is an officer and director of Bott Broadcasting Company ("BBC"), and an officer, director and minority shareholder of Bott Communications, Inc. ("BCI"). BBC is licensee or sole owner of the licensee of stations KCCV, KQCV, WCRV and WFCV. BCI is the licensee of KSIV and KCIV. These stations are, with the exception of college campus carrier current station WBJU, the only stations at which Bott has been or is employed and, with the exception of KCIB, Central Valley, California, are the only stations in which he is or has been a principal. All of the BBC and BCI stations have utilized a commercial religious format during Mr. Bott's employment with and/or role as a principal in those stations. Bott Broadcasting West, Inc. ("BBW"), of which Mr. Bott was sole stockholder, was the owner of KCIB. KCIB was on the air under Mr. Bott's ownership for only a short time, and during that time it broadcast a format comprised of secular and religious pre-recorded music although it had been Mr. Bott's original intention to employ a commercial religious format at KCIB.

A listing of documents provided, category-by-category, is set forth below. The documents are attached, categories separated by cover sheets. Most documents are being produced as exact photocopies; if you wish to examine the originals those will, if

they exist, be made available. In one instance, categories 6, 7 and 8, some bulky described documents are not transmitted with this letter but are available for review and copying if you desire.

Bott's response to each individual category is as follows:

1. No such documents have been located. The integration statement itself is attached.

2. Representative documents are attached. Note offered stipulation above. The six display advertisements for stations KCCV, KSIV, KCIV, KQCV, KCRV and WFCV appeared in the Directory of Religious Broadcasting, 1991.

3. Representative documents relating to Bott's role and function at radio stations at which he has been and/or is employed are attached. Documents range in date from December 21, 1981, the year in which Bott became general manager of KFCV, Fort Wayne, to June 24, 1992, at which time he was Vice President and General Manager, Bott Broadcasting Company. Bott moved in 1982 from his position at KFCV to Bott Broadcasting Company headquarters in Kansas City where he became a Vice President. For a time in 1992 Bott was also General Manager of KCCV in the Kansas City area. Bott's principal duties at Bott Broadcasting headquarters have involved supervising the activities of the individual station managers and handling the sale of national advertising and program time on the stations, as the documents reflect.

4. See representative documents produced in response to No. 2 above.

5. Representative documents relating to Bott's contacts, developed over the years, with persons in the religious broadcasting field are attached. The first portion of the attachments consists of pages from the Directory of Religious Broadcasting. Bott has placed a check mark next to the names of the individuals and organizations with which he has developed contacts over the years. The remainder of the attachments in this category is correspondence to or from a representative sample of Bott's contacts.

6, 7 and 8. Attached are documents relating to steps taken by Bott to establish a residence in Blackfoot, Idaho, inquire into availability of studio space, and information from a real estate agent in Blackfoot in September, 1987. These consist of notes made by Bott and photos taken during his trip to Blackfoot in 1987. In addition to the attached documents, Bott received material from the Greater Blackfoot Area Chamber of Commerce in an envelope postmarked September 18, 1987, and on his visit to Blackfoot Bott picked up material including maps, recreational information, the local newspaper, some promotional material from station KLCE, an employment statistics release and a local telephone directory. These documents, which are not readily reproducible and probably not within categories 6, 7 or 8, are in counsel's possession and will be given to Bureau counsel for inspection and copying if counsel desires.

9. No such documents have been located.

10. and 11. Attached are documents relating to Bott's consideration of a format for the Blackfoot station, and documents relating to when Bott first decided upon a religious format for the station. Not all of the attached documents have a direct relationship to active consideration of a specific format, religious or otherwise, but instead provided background and information for Bott's consideration and decision. Some of the documents are representative of many similar documents; these include articles on the radio industry's economy and the United States economy which appeared in The M Street Journal, Radio Business Reports, USA Today and Time. Some of the attached documents are parts of larger volumes or simply, in the case of the 1990 Broadcasting Yearbook, the cover page, in order to indicate documents considered by Bott. The handwritten notes labeled "Com'l Radio Sta. Formats & Share of Audience" were distributed at and received by Mr. Bott at the May 24, 1991 meeting which he attended and for which the agenda is attached.

12. No such documents have been located, except as provided in other categories (see, e.g., response to category 16).

13. Attached is a document relating, in a broad sense, to how and when Bott first learned that KRSS was going to operate as a commercial religious station. The attached document is a photocopy of a page from the September, 1991 Religious Broadcasting, showing the schedule of the NRB

Western Convention on September 22-24, 1991. Bott attended that convention, and his declaration shows he met with Teresa Rivera the day after the convention, September 25. No other documents in this category have been located.

14. No such documents have been located, except as provided in other categories (see, e.g., responses to categories 6-8 and 10-11).

15. No such documents have been located, except as provided in other categories (see, e.g., responses to categories 10-11).

16. The updated site management plan received by Bott in January, 1992 is attached, with a photocopy of the envelope in which BLM sent the plan to Bott. (The handwriting "Site Management Plan East Butte Rec: Jan. 11, '92" is Bott's.)

17. and 18. Attached are all documents relating to Bott's January 10, 1992, request for the Commission to issue him new call letters, and all documents relating to the Commission's issuance of new call letters to Bott. Excepted are two documents as to which Bott is today requesting protection from production under the attorney-client privilege.

19. No such documents have been located.

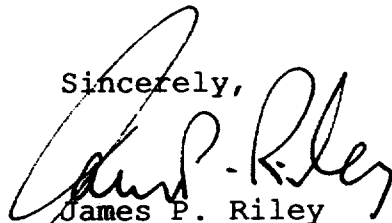
20. Attached are the documents relating to Bott's contact with Mr. Kent Frandsen to proceed with Bott's plans to install Bott's antenna on Frandsen's tower.

21. No such documents have been located.

22. No such documents have been located. The contract is, of course, an exhibit to the pending assignment application.

Should you have any questions whatsoever concerning the enclosures, please contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "James P. Riley", is written over the typed name. The signature is fluid and cursive.

James P. Riley

JPR/rhw

cc: Administrative Law Judge Arthur I. Steinberg (w/o enclosure)